

***Draft* MEETING MINUTES
CITY OF MILPITAS**

Minutes of:	Regular Meeting of Milpitas City Council
Date:	Tuesday, December 16, 2014
Time:	6:00 PM Closed Session/ 7:00 PM
Location:	Council Chambers, Milpitas City Hall, 455 East Calaveras Blvd., Milpitas

CALL TO ORDER

Mayor Esteves called the meeting to order at 6:01 PM. The City Clerk noted the roll.

PRESENT: Mayor Esteves, Vice Mayor Montano, Councilmembers Barbadillo, Giordano and Grilli

ABSENT: None

**CLOSED SESSION
ANNOUNCEMENT**

None

OPEN SESSION

Open Session in Council Chambers was called to order at 7:04 PM.

PLEDGE

Boy Scouts Troop No. 92 presented the flags and led the pledge of allegiance.

INVOCATION

Councilmember Giordano offered quotes from historical figures regarding the Christmas spirit to start the meeting.

MEETING MINUTES

Motion: to approve the minutes of the December 2, 2014 City Council meeting

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of:	AYES: 5
	NOES: 0

SCHEDULE OF MEETINGS

Motion: to approve Council Calendars/Schedule of Meetings for 2014, as amended

City Manager Tom Williams noted that the Telecommunications Commission regular meeting this month was canceled for December 15.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of:	AYES: 5
	NOES: 0

PRESENTATION

Mayor Esteves presented certificates to three teachers from Milpitas Unified School District for support of Inter-School Science Fair. He also provided recognition to the Shen Yun 2015 World Tour, a Chinese dance troupe performing in the Bay Area. Finally, he gave a certificate to the "No on Measure E" committee representatives.

PUBLIC FORUM

Peter Nelson of Santa Cruz, a property owner in Milpitas, had a dispute about the fire inspection fee calculation. City Council directed him to meet with the City Manager, and so far had not been able to do so he sought Council help to get it done and resolved.

Joseph Weinstein, Milpitas resident, thanked the Council for their public service and dedication. He welcomed new Councilmembers Grilli and Barbadillo. He invited the public to a meeting at

the Police Department community meeting room 7:00 PM about the odor issue. He had collected 7500 signatures on an online petition objecting to odor in Milpitas. On the web, the group was established as www.Milpitasodorgroup.com.

Rob Means, 1421 Yellowstone resident, mentioned a report on climate change issues. He had hoped to speak about Integral development projects, and the changes to those he objected to. Development standards should be kicking up, with regard to use of resources, and he suggested solar water heaters in all new units.

Robert Marini, Milpitas resident, referred to Councilmember salaries, upholding laws, and adherence to the Constitution. He felt that all his comments about laws of the state of California and sewage rate calculations have been ignored. Councilmembers must uphold the laws in order to have a salary increase.

ANNOUNCEMENTS

Councilmember Giordano made a request to the City Manager to re-look at fees related to the flood plains in the City. It was brought up a few years ago, and perhaps not warranted in some parts of the City now. She asked staff to come back with a report next month. Mayor Esteves agreed with her request.

Councilmember Grilli thanked Mr. Williams and his staff for spending so much time with her over the past week on training and education.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Ogaz asked the Mayor and Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. No conflicts or contributions were reported.

APPROVAL OF AGENDA

Motion: to approve the agenda, as amended

City Manager Williams referred to a letter he received from an attorney for Integral Communities, requesting removal of agenda items no. 2 and no. 3 for two development projects. So the City Council asked to remove those two from the agenda completely.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

CONSENT CALENDAR

Motion: to approve the Consent Calendar items (noted by *asterisk)

Mayor Esteves requested to remove agenda item No. 8 (amend agreement with RMC Water) from consent. He inquired if agenda item No. 6 pertained only to the 5% salary increase for the Mayor and City Council. Staff confirmed this fact, and he reiterated his support for the increase.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

*** 5. Financial Status Report**

Received financial status report for three months ended September 30, 2014.

*** 6. Adopt Ordinance**

Waived the second reading and adopted Ordinance No. 128.12 amending Section 2, Chapter 14, title I of the Milpitas Municipal Code related to increases in the Mayor and City Councilmembers' salaries.

*** 9. Agreement Amendment**

Approve Amendment No. 3 to the consulting services agreement with Vali Cooper & Associates extending the term to September 30, 2015 in the additional amount of \$300,000 for the Silicon Valley Berryessa BART Extension Project No. 4265.

PUBLIC HEARINGS

1. Priority Setting for Community Development Block Grants

Principal Planner Felix Reliford discussed the priorities for consideration of distribution and award of grant funds for the Community Development Block Grant program. He explained the required formula for spending those funds, split in a 15% / 65% / 20% formula. He detailed the three policies adopted by the Council that have been followed for the past seven years.

Public Services

1. Senior Services
2. Youth and Teen Services
3. Homeless Sheltering/Services
4. Child Care
5. Battered Women Sheltering/Services
6. Code Enforcement

Non-Public Services

1. Home Repair/Rehabilitation
2. Affordable Housing
3. Rental Apartment Rehabilitation
4. Historic Preservation

City Council had also adopted the following CDBG policies:

- 1) 25% of all Public Service funds shall be allocated to City of Milpitas programs,
- 2) Minimum funding level of \$5,000 shall be allocated for all Public and Non-Public Services, and
- 3) \$15,000 from CDBG Program Administration for all Fair Housing Services (Project Sentinel).

Vice Mayor Montano asked about the Bill Wilson Center, and she wanted to make sure they would be able to apply with all other groups.

Mayor Esteves asked staff about funding for housing rehabilitation and the loan program. Mr. Reliford responded that it helped low- and very-low income residents with 0% or 3% interest loans to gain funds to complete home improvements or repairs.

Mayor Esteves opened the public hearing for comments.

Robert Marini, Milpitas resident, asked questions about some of the columns of information on spreadsheet Felix distributed. He needed clarification.

Alvin White, Milpitas resident, wanted to fund a non-profit for God's Brain Milpitas. An east side service center was needed, in the former Teen Center at Milpitas Sports Center. He wished all a Merry Krishna-mas.

Ms. Henderson of Next Door Solutions, served an agency that helped domestic violence survivors with an array of services, with several programs. Next Door received \$5000 grants the past few years but always needed more funds to help more women and children.

Colleen Hudgen, from Live Oak Senior Day Services, led a non-profit that received \$5000 from Milpitas in last few years to help senior citizens, seven days a week all year long. She was glad seniors were still at the top of list of priorities.

Bev Jackson, of San Jose, was with Re-building Together Silicon Valley, which helped 130 Milpitas residents to preserve their housing, and stay in their homes. Minor home modifications could be done by their clients, so keep this as a priority. Her group received a \$5000 grant and urged an increase in minimum amount granted.

Kathy Lincoln, from MUSD Family Literacy Project, thanked City Council for support of the program in the last three years, with funding from the City. She urged keeping the \$5000 minimum.

Karen Scussel, Project Coordinator of Child Advocates Silicon Valley, noted her group had served Milpitas over the last 14 years. They helped foster children get to school, from ages 0 – 21, and with other needs. She targeted helping 34 children in Milpitas.

A woman named Lan, a CASA volunteer, worked with foster youth one on one with this very effective organization here in Milpitas. Any financial support would help.

Karen Kollander, from Milpitas Food Pantry, thanked City Council for ongoing support. Her group did not get funding from state or county, and so the CDBG funds helped a lot, all locally. Food Pantry was serving as a good community resource, including guiding homeless people to what's available for them.

Wanda Hale, long term care ombudsman program, advocated for seniors and disabled persons, with unduplicated service offered. Her group worked on elder abuse and other relevant issues for Milpitas seniors.

Georgia Bacil, from Senior Adults Legal Assistance services, provided legal services to Milpitas seniors twice a month at the Milpitas Senior Center. SALA received CDBG funds, and those were spent only on Milpitas seniors for legal help, who were very low income and many disabled. The emphasis on senior citizens with CDBG funds was appropriate in Milpitas, she agreed.

Rob Means, 1421 Yellowstone resident, heard that all the groups were in a growth mode, due to economic problems of residents. Council needed to keep this in mind for the future, with more economic balance.

Vice Mayor Montano appreciated service providers coming to the meeting this evening. She used to be on the Action Committee for the County years ago. She asked staff, do the groups have a monthly meeting to collaborate with each other, about resource sharing and helping clients? Staff responded they do work closely with one another.

(1) Motion: to close the public hearing

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

Vice Mayor Montano highlighted the new Family Resource Center on Dixon Landing Road, to assist some of the youngest residents in Milpitas.

Mayor Esteves asked if all services provided by the applicants, were ones which were not provided by County social services. Mr. Reliford replied he couldn't say, but could find out and provide a response to Council. These groups leveraged funds from all over.

Councilmember Giordano had served as a CDBG committee member years ago, when there was a lot more money. She thanked the groups for stretching the dollars as far as they are able to do successfully in Milpitas.

(2) Motion: to direct staff to continue with established priorities for the next two years

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

2. Integral District 1 This item was removed from the agenda.

3. Integral Centre Point This item was removed from the agenda.

MAYOR'S REPORT

4. Mayor's Recommendations

Mayor Esteves had provided three sets of recommendations for appointments, including a list of those the Councilmembers would be serving as liaisons to City Commissions and to outside groups.

Councilmember Grilli stated she had a conflict with the Bicycle Commission meetings on the first Thursday of the month. She appreciated the Sister Cities Commission assignment by the Mayor, but did not want it to appear like a conflict since her husband was the Chairman. The Mayor stated he had conferred with the City Attorney about that and it was okay. City Attorney Ogaz agreed it was not a conflict.

Vice Mayor Montano said she will check her calendar about the BPAC and the Mayor said he would check too. That assignment would be confirmed later.

(1) Motion: to approve Council assignments to City of Milpitas Commissions as liaisons, and to the external committees and agencies (per Mayor's list)

Motion/Second: Councilmember Grilli/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

Next, the Council discussed the proposed Campaign Finance Reform Committee.

Councilmember Grilli felt there should be more of a process, with criteria, to involve voters, and open it up to the public. Criteria were needed in an open process. She sought the City to be more inclusive rather than exclusive.

Mayor Esteves responded that he did not have specific criteria. Those would generally be: 1) resident must be committed to attend the meetings; and 2) be interested on the topic of campaign finance reform, with some ideas to discuss. So, the Mayor invited people who might be interested to apply or let the Mayor know, and then he'd come up with a list.

Vice Mayor Montano asked if they were trying to form a committee or commission? The Mayor replied it would be an ad hoc committee. Take steps to do outreach, the Vice Mayor urged. She wanted legal counsel opinion if this was doable. Mr. Ogaz said the City Council could seek applications to be submitted to the Mayor based on criteria he specified. Then, the matter could be brought back for final recommendation at the next Council meeting.

City Attorney Mike Ogaz recommended the Council's motion could be to authorize creation of a campaign finance reform committee to discuss campaign finance reform and then seek applications from the public to be submitted to the Mayor, and bring the matter back to the Council.

Councilmember Giordano agreed with Councilmember Grilli to cast the net wider and to seek an engaged community in Milpitas.

Councilmember Grilli felt the due date by next meeting was too fast to return to City Council, at holiday time. She suggested bringing it back at the second meeting in January, and Mayor Esteves suggested giving about 30 days notice for the public.

(2) Motion: to approve the formation of a new campaign finance reform committee, to conduct outreach for membership of residents who are interested in this subject and available to attend meetings, and to vote on Mayor's recommendation for membership at the second Council meeting in January

Mayor Esteves remarked that final approval of any changes to local regulations would rest with the City Council.

Motion/Second: Vice Mayor Montano/Councilmember Grilli

Motion carried by a vote of: AYES: 5
NOES: 0

(3) Motion: to approve the Mayor's recommendation for appointments and re-appointments to various City of Milpitas Commissions

Bicycle Pedestrian Advisory Commission:

Appointed Kristal Caidoy as a regular member to a term that will expire in August 2017.
Appointed Samuel Usal as Alternate No. 1 to a term that will expire in August of 2016.
Newly appointed Williams Barnes as Alternate No. 2 to a term that will expire in August of 2015.

Planning Commission:

Re-appointed Larry Ciardella to a term that will expire in December of 2017.

Recycling and Source Reduction Advisory Commission:

Appointed Eddie Inamdar as a regular member to a term that will expire in October 2017.
Appointed Conrad Chua as Alternate No. 1 to a term that will expire in October of 2015.
Newly appointed Manpreet Badesha as Alternate No. 2 to a term that will expire in October 2016.

Veterans Commission,

Appointed Alternate No. 1 Allen Thomas as a regular voting member.
Appointed Andre J. Ramones as Alternate No. 1. Both appointments were to terms that will expire in February of 2016.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

Councilmember Grilli asked if the vote above included appointment of Althea Polanski to serve on the Milpitas Oversight Board, as noted on the Mayor's list of recommendations memo. The City Attorney commented that role could be filled by any resident from the community and was not required to be staff or elected official. A separate vote on that item was taken next.

(4) Motion: to appoint resident Althea Polanski to serve as a voting member on the Milpitas Oversight Board

Motion/Second: Vice Mayor Montano/Councilmember Grilli

Motion carried by a vote of: AYES: 5
NOES: 0

Mayor Esteves announced January 13, 2015 as the deadline to apply for the new committee on campaign finance reform. Those interested could contact the City Clerk.

RESOLUTION

7. Resolution for Appointment of Part-Time Housing Planner

Planning Director Steve McHarris was prepared to review the need for the requested resolution due to PERS regulations. The Mayor responded that he and the City Council understood and no oral report was needed. Mayor Esteves asked for any speakers and there were none.

Motion: to adopt Resolution No. 8432 approving the appointment of Felix Reliford, Retired Annuitant, to serve as a part-time Principal Housing Planner to fill a critically

needed position pursuant to the California Public Employees Reform Act of 2013; and, to approve a budget appropriation in the amount of \$55,000 into the Planning and Neighborhood Services Department operating budget

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

AGREEMENT

8. Agreement Amendment Mayor Esteves asked the original contract amount. \$900,000, replied CIP Engineer Steve Erickson. The Mayor commented the amendment amount was more than 50% of the original contract total which he sought to understand.

Acting City Engineer Steven Machida responded to the Mayor regarding add-on work amount for this contract, which included efficiencies for the City. Work would include crossing underneath I-680, more than originally anticipated. Recycled water would be used and the City hoped to expand its availability.

Motion: to approve Amendment No. 1 to the agreement with RMC Water and Environment for design services related to Projects No. 7118, No. 7117, No. 7100, and No. 3709 and increase the agreement amount by \$575,000; and, to approve a budget appropriation of \$575,000 from the Water Fund to the Dempsey Road Water Line Replacement Project No. 7118

Motion/Second: Vice Mayor Montano/Councilmember Giordano

Motion carried by a vote of: AYES: 5
NOES: 0

ADJOURNMENT

Mayor Esteves adjourned the City Council meeting at 9:00 PM.

*Meeting minutes respectfully submitted by
Mary Lavelle, City Clerk*